



VIRGINIA: IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION

Shirley Diane Burnett,
Plaintiff,

CIVIL ACTION

Case No. 2:21cv 565

V.

UNITED STATES OF AMERICA,
Defendant,

COMPLAINT FOR VIOLATION OF CIVIL
RIGHTS SECTION 42 U.S.C. 1983

JURISDICTION:

This Court has pendant jurisdiction pursuant to the Civil Rights Act, 42 U.S.C. 1983, for defendant's violation of plaintiffs civil rights pursuant to the United States Constitution and the Commonwealth of Virginia Constitution while acting under the color of State and Federal law.

CASE SUMMARY:

On the 23rd day of October, 2017, a criminal complaint was sworn and an arrest warrant was issued for Shirley Diane Burnett, (hereinafter "plaintiff"). The

complaint alleged that the plaintiff along with others was engaged in conspiring to launder money, 18 U.S.C. 1956 (h), in support of plaintiff's son Alex Burnett's criminal drug enterprise.

Plaintiff was arrested on the 26th day of October, 2017, and was admitted to bond on the 2nd day of November, 2017. Approximately 12 days later an indictment charging the plaintiff, her son Alex Burnett (hereinafter : "A. Burnett"), plaintiff's husband Robert Burnett (hereinafter "R. Burnett") and various others was issued by the United States Grand Jury sitting in Newport News. Throughout the course of the next 18 months, three superseding indictments were issued with the third superseding indictment again naming the plaintiff with conspiring to launder money. The third superseding indictment also added a charge of conspiring to distribute narcotics to the previous conspiracy to launder money charge faced by R. Burnett. As a result of a negotiated plea agreement by R. Burnett to conspiracy to distribute narcotics, the charges against the plaintiff were dismissed on the 8th day of November, 2019. Since the dismissal of charges against the plaintiff, no additional charges or proceedings of any type have been brought against the herein named plaintiff, Shirley Diane Burnett.

COMPLAINT:

Plaintiff hereby alleges that the United States of America, (herein after "Defendant") lacked probable cause to initiate an indictment for money laundering in connection to plaintiff's son alleged drug distribution enterprise

based upon false financial information presented to the magistrate and the grand jury in violation of plaintiff's Fourth Amendment Right.

Plaintiff was deprived of (a) the right to be free from unreasonable searches and seizures; (b) the right not to be deprived of liberty without due process of law; (c) the right not to due process of law, both procedural and substantive [sic]; (d) the right to be free from malicious arrest and/or prosecution without probable cause; and (e) the right to a fair trial.

Plaintiff hereby claims that her Fourth Amendment Right to substantive due process of law was violated when the government attorney's knowingly used false financial evidence to substantiate probable cause before the grand jury to acquire an indictment for money laundering. The financial evidence presented to the grand jury was falsely fabricated and tainted. The government fabricated the financial evidence presented to the grand jury because there was no other untainted financial evidence linking the plaintiff to (1) a conspiracy to launder money and (2) linking plaintiff to any drug distribution enterprise. The government presented no evidence showing or even indicating plaintiff's involvement in any drug sale activity to distribute drugs. The government knowingly distorted, fabricated and erroneously presented false evidence before the grand jury to secure an indictment against plaintiff.

No arrest, no matter how lawful or objectively reasonable, gives an arresting officer or his fellow officers a license to deliberately manufacture false

evidence against an arrestee. To hold that police officers, having lawfully arrested a suspect, are then free to fabricate false confessions at will, would make a mockery of the notion that Americans enjoy the protection of due process of the law and fundamental justice, which may amount to a deprivation of liberty based upon tainted untrue evidence. The act of presenting false and fabricated evidence is comparable to a criminal offense, it is wrongful conduct in and of itself.

Plaintiff, upon advise of counsel, hired an accredited financial investigator to review the governments financial calculation report utilized as evidence to support the charge of money laundering. The financial investigators report totally contradicts the calculations in the Governments financial audit and report of plaintiff's assets and income from employment and several businesses owned by plaintiff. The financial investigators reports clearly states that the Governments audit and calculation of plaintiff's assets is "questionable", meaning that there is much inaccurate, inexact, and inappropriate computation within the entire financial report. (See Exhibit A-1)

PRAYER FOR RELIEF

Plaintiff has been injured by the misconduct of the Governments prosecuting attorney/s and financial investigators and has lost the following assets and financial interest as follows and prays for financial compensation as follows:

Compensatory Damages:

For unlawful conduct , negligence, and misrepresentation plaintiff request for an award in the amount of One Million Dollars for loss of earning potential, (loss of GS-12 Pay Rate and Government Clearance), emotional distress, medical bills, pain and suffering, mental distress, loss of reputation, loss of wages, and economic distress.

Punitive Damages:

For unlawful conduct and negligence, plaintiff respectfully request for an award in the amount of Five Hundred Thousand Dollars.

I ask for this:

Respectfully Submitted,



TS Shirley Diane Burnett

Shirley Diane Burnett, Plaintiff

*Angela wood - notary
October 7-2021*

CERTIFICATION OF SERVICE

I, Shirley Diane Burnett, the herein named plaintiff, do hereby certify that on the 7th day of October 2021, a true copy of this complaint was forwarded to the following persons by United States Certified Mail.

1. United States Attorney's Office, Fountain Plaza Three, 721 Lake front Commons, Suite 300, Newport News, Virginia, 23606.
2. The Honorable Mark S. Davis, Chief Judge, United States District Court, 2400 West Avenue, Newport News, 23607.
3. Fernando Galindo, Clerk of the United States District Court, 2400 west Avenue, Newport News, Virginia, 23607.

Dated: 7 / 10 /2021



Shirley Diane Burnett, Plaintiff



Angela Wood - Notary
October 7-2021